

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

MAR 05 2020

Clerk, U S District Court
District Of Montana
Billings

CHARLES M. BUTLER, III and
CHOLE BUTLER

Plaintiffs,

vs.

UNIFIED LIFE INSURANCE
COMPANY; HEALTH PLANS
INTERMEDIARIES HOLDINGS,
LLC, doing business as Health
Insurance Innovations, Inc.; ALLIED
NATIONAL, INC.; NATIONAL
BROKERS OF AMERICA, INC.;
THE NATIONAL CONGRESS OF
EMPLOYERS, INC.; and DOES 1-10

Defendants.

CV 17-50-BLG-SPW

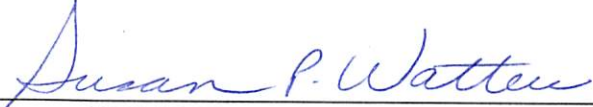
ORDER OF CLARIFICATION

The parties dispute whether the Court's prior order granted summary judgment on liability in favor of only Charles Butler or the entire proposed class. Judge Cavan recommended the Court grant summary judgment on liability in favor of Butler but not the class because Judge Cavan recommended denying certification of the class. (Doc. 225). The Court agreed with Judge Cavan that summary judgment on liability should be entered in favor of Butler but disagreed the class should not be certified. (Docs. 240 and 241). The Court's order granting certification of the class clearly extended summary judgment on liability to the

entire proposed class. (Doc. 241 at 2) (“The Court has already determined as a matter of law that Unified’s systematic practice breaches insurance contracts containing the Reasonable and Customary Charge clause.”); (Doc. 241 at 4) (“[t]he common question is whether Unified systematically breached its insurance policies containing the Reasonable and Customary Charge. The Court has affirmed that question as a matter of law.”); (Doc. 241 at 5) (“The Court has already determined Unified breached its insureds’ insurance policies containing the Reasonable and Customary Charge clause. It makes little sense for the proposed class members to repeatedly litigate an already decided issue . . .”).

The confusion apparently stems from the Court’s failure to state under its heading “Conclusion and order” that summary judgment was entered in favor of the entire proposed class. To clarify any confusion, the Court hereby declares summary judgment was entered in favor of the entire proposed class in the Court’s prior orders, Docs. 240 and 241.

DATED this 14th day of March, 2020.



SUSAN P. WATTERS
United States District Judge